

ORIGINAL

Policy 3-1-1 AFFIRMATIVE ACTION PLAN FOR THE CITY OF MUSKOGEE

COUNCIL POLICY 3-1-1

DISTRIBUTION: Mayor and City Council
All Departments

SUBJECT: Affirmative Action Plan for the City of Muskogee

PURPOSE: That all City employment and program activities will be accomplished without regard to race, creed, color, sex, age, nationality, religion or handicap status.

BACKGROUND:

PROCEDURES: See Attached Exhibit "A"

REFERENCES: Title 8, Civil Rights Act of 1964
Title 6, Civil Rights Act of 1974
Executive Order 11246, 12067, 11375, and 12550
Public Law 90-202 and 93-112, as amended
American with Disabilities Act

EFFECTIVE DATE/

RESCISSION: This policy becomes effective October 9, 2017.

DISTRIBUTION: Mayor and City Council
All Departments





JOHN R. COBURN, MAYOR

ATTEST:



TAMMY L. TRACY, CITY CLERK

Approved as to form and legality this 17th day of Oct, 2017.



ROY D. TUCKER, CITY ATTORNEY

AFFIRMATIVE ACTION PLAN
FOR THE
CITY OF MUSKOGEE, OKLAHOMA

JOHN R. COBURN, MAYOR
JAMES GULLEY, DEPUTY MAYOR
PATRICK CALE, COUNCIL MEMBER
JANEY BOYDSTON, COUNCIL MEMBER
DAN HALL, COUNCIL MEMBER
MARLON COLEMAN, COUNCIL MEMBER
DERRICK REED, COUNCIL MEMBER
IVORY VANN, COUNCIL MEMBER
WAYNE JOHNSON, COUNCIL MEMBER

October 2017
(Revision number seventeen)

EXHIBIT "A"

(Attach Resolution #1724)

I, Mike Miller, City Manager of the City of Muskogee, support the attached Affirmative Action Plan, approved February 1975, and updated 10/09/2017, 2017, (revision seventeen), and intend for it to be fully implemented.



MIKE MILLER
CITY MANAGER

10/13/17

DATE

I, Kelly Plunkett, Director of Human Resources of the City of Muskogee, support the attached Affirmative Action Plan, approved February 1975, and updated 10/09/2017, 2017, and intend for it to be fully implemented.



KELLY PLUNKETT
DIRECTOR OF HUMAN RESOURCES

10-10-2017

DATE

CITY OF MUSKOGEE, OKLAHOMA

AFFIRMATIVE ACTION

LEGAL AUTHORITY:

Title 7, Civil Rights Act of 1964

Title 6, Civil Rights Act of 1964

Executive Order 11245 Executive Order 12067

Executive Order 11375 Executive Order 12550

Public Law 90-202 Public Law 93-112, As Amended

American with Disabilities Act

Rehabilitation Act of 1973

Vietnam Era Veterans Readjustment Assistance Act of 1974

DEFINITION:

Affirmative Action is defined as that action necessary to overcome policies and practices of discrimination and to ensure the absence of discrimination. Affirmative Action is defined as an active effort to improve the opportunities in employment and/or education and to promote the rights or progress of members of minority groups, women and other disadvantaged persons.

PURPOSE:

To identify organizational components and job categories within the City of Muskogee's workforce in which minorities and women are not represented in proportion to their availability in the labor force, and to devise and implement strategies to achieve

equitable representation. The City of Muskogee is an equal opportunity employer and believes that every employee has the right to work in surroundings which are free from all forms of unlawful discrimination.

POLICY:

The City of Muskogee is committed to promoting affirmative action and to provide equal employment to all persons in all matters affecting City employment in accordance with Federal and State laws and guidelines. It is the policy of the City of Muskogee, Oklahoma, to promote equal opportunity in regards to race, creed, color, gender, age, nationality, sexual orientation, genetic information, veteran, religion or handicap status in compliance with above stated legal authority and in the hiring and advancement process in all job classifications within the City.

It is not the intent of this policy to permit or require the lowering of bona fide job requirements or qualification standards in order to give preference to any employee or applicant for employment. Selection, hiring, placement and promotion decisions will be based on valid requirements and criteria that are job related, essential and necessary functions of the job.

The City of Muskogee will take affirmative action to insure that the City will:

- (1) recruit, hire and promote all personnel without regard to race, creed, color, religion, gender, age, national origin, sexual orientation, genetic information, veteran or handicap status except where gender, age or handicap status is a bonafide occupational qualification;
- (2) base decisions on employment so as to further the principle of equal employment opportunity;

- (3) foster promotional decisions which are in accordance with principles of equal employment opportunity by imposing only valid requirements for promotional opportunities;
- (4) require that all personnel actions such as compensation, benefits, transfers, layoffs, return from layoffs, City-sponsored training, education, tuition assistance and social and recreational programs be administered without regard to race, color, creed, religion, gender, age, national origin, sexual orientation, genetic information, veteran or handicap status;
- (5) promote equal representation on boards and committees;
- (6) instruct and direct all employees with supervisory and hiring authority to actively and steadfastly adhere to all principles and procedures herein established for the accomplishment of this Affirmative Action Plan; and
- (7) promote equal opportunity with regard to all services provided by the City.

The City of Muskogee will provide, when necessary, reasonable accommodations to applicants' and/or employees' disabilities, when doing so will enable them to successfully perform the essential functions of the job for which they are qualified.

The City of Muskogee prohibits retaliatory actions against employees or applicants for employment, who make a charge of employment discrimination, testify, assist or participate, in any manner, in a hearing, proceeding or investigation of employment discrimination.

EQUAL EMPLOYMENT OPPORTUNITY OFFICER:

The Human Resources/Personnel Director of the City of Muskogee has been named as the Equal Employment Opportunity Officer and has, therefore, been designated as that person who shall develop and monitor the implementation of personnel procedures with which to guide the City's Affirmative Action Plan. This individual is charged with designing and implementing audit and reporting systems that will keep the City Manager and the City Council informed as of the status of Equal Employment Opportunity and Affirmative Action efforts.

Ms. Kelly Plunkett is the Human Resources/Personnel Director and has served in this capacity since August 6, 2012.

STATISTICAL ANALYSIS OF THE CITY OF MUSKOGEE:

The 2010 Census of Population reports the City of Muskogee having 39,223 persons. Of that total, 20,516 (52.3%) were female and 18,707 (47.7%) were male. Assuming that there has been no major increase or decrease in the city's population since that time and assuming that there has been no major shift in the percentages of men and women and in percentages of minorities, the following analysis is submitted, based on 2010 estimates.

Of the 39,223 residents in Muskogee, 21,926 (55.9%) of the City's population is Caucasian. African Americans accounted for 16.1% of the total population with 6,311 residents. Muskogee had a total of 6,017 American Indians, or 15.3 percent of the population. All other minorities totaled less than one percent of the population. According to data provided from the Eastern Workforce Board from the 2014 US Census Bureau, the total number of jobs available throughout the City of Muskogee is 23,995;

this data includes working citizens and commuters into the City. Of those jobs, there are 11,546 (48.1%) male workers and 12,449 (51.9%) female workers. Of the 23,995 workers, 16,436 (68.5%) are Caucasian, 2,583 (10.8%) are Black or African American, 3,410 (14.2%) are American Indian or Alaska Native, 246 (1.0%) are Asian, 15 (0.1%) are Native Hawaiian or Other Pacific Islander, and 1,305 (5.4%) are two or more races. At this time, it is not possible to extract data which specifies the working percentage of the total population of the City of Muskogee; therefore, that data cannot be identified by race.

The job categories listed in the following tables were obtained by cross referencing the US Census Bureau, the Department of Labor and the Equal Employment Opportunity Commission. The following is a list of the job categories and definitions used to complete the analysis for this Plan:

Officials/Managers-Occupations in which employees set broad policies, exercise overall responsibility for execution of these policies, or direct individual departments or special phases of the City's operations. This category includes department heads, directors, assistant directors, superintendents, police and fire chiefs and inspectors, inspectors (construction, building, and safety), police and fire assistant chiefs, etc.

Professionals-Occupations which require specialized and theoretical knowledge which is usually acquired through college training or through work experiences and other training which provides comparable knowledge. Includes: accountants, attorneys, personnel and labor relations workers, engineers, police and fire captains and police lieutenants.

Technicians-Occupations which require a combination of basic scientific or technical

knowledge and manual skill which can be obtained through specialized post-secondary school education or through equivalent on-the-job training. Includes: computer programmers and operators, drafters, survey and mapping technicians, , police sergeants, and fire drivers

Para-Professionals-Occupations in which workers perform some of the duties of a professional or technician in a supportive role, which usually require less formal training and/or experience normally required for professional or technical status. Includes: research assistants and recreation assistants.

Protective Services (sworn): Sworn-Occupations in which sworn workers are entrusted with public safety, security and protection from destructive forces. Includes: police officers and fire fighters.

Protective Services (non-sworn): Non-Sworn-Occupations in which provide assistance, guidance, or protection in a specific area. Includes: animal control workers and other protective service workers.

Administrative Support-Occupations in which workers are responsible for internal and external communication, recording and retrieval of data and/or information and other paperwork required in an office. Includes: bookkeepers, clerk-typists, customer service, payroll clerks, telephone operators, legal assistants, secretaries, receptionists, etc.

Skilled Craft-Occupations in which workers perform duties which require manual skill and a thorough and comprehensive knowledge of the processes involved in the work which is acquired through on-the-job training and experience or through apprenticeship or other formal training programs. Includes: mechanics, equipment operators, ,

first-line supervisors of mechanics and water and sewage treatment plant operators.

Service Maintenance-Occupations in which workers perform duties which result in or contribute to the comfort, convenience, hygiene or safety of the general public or which contribute to the upkeep and care of buildings, facilities or grounds of public property.

Includes: gardeners and groundskeepers, laborers, refuse workers, sewer workers, maintenance workers, and custodial personnel.

The City of Muskogee, as of July 1, 2017, had 456 fulltime approved funded, budgeted positions. Table 1 provides an analysis of the City of Muskogee full-time workforce classified by job category, gender, and race/national origin for fulltime employees for fiscal year 2018, as of September 11, 2017. The Table shows the workforce percentages only, which reflects the portion of people in each job category of a given gender and race/national origin.

These figures are based upon the Human Resource Department's current employee data as of September 11, 2017. Employment numbers are for full-time employees only.

Job Category	Total	MALE					FEMALE				
		B	C	D	E	F	B	C	D	E	F
Officials/Managers	100%	55%	9%			20%	16%				
Professionals	100%	82%			2%	12%	4%				
Technicians	100%	81%				15%	4%				
Para-Professional	100%	25%	25%				25%	25%			
Protective Services	100%	64%	5%	2%	1%	21%	5%	1%			1%
Admin. Support	100%	6%					70%	6%	4%		14%
Skilled Craft	100%	63%	14%			23%					
Service/Maintenance	100%	52%	26%	1%		9%	8%	4%			

Table 1

B-White D-Hispanic/Latino F-American Indian/Alaskan Native

C-Black/African American E-Asian or Pacific Islander

CONCLUSIONS:

From the statistics provided on City employees, the City has maintained the number of minority and female persons holding jobs with the City of Muskogee within the past year. While it is not the intent of the City to attain specific mathematical percentages of minority persons as employees within the City, it is desirable to have a diverse population of minority personnel.

Although there seems to be some differences from the previous year in certain categories, there were some employees from the previous fiscal year whose job category was misclassified. In fiscal year 2017, there were a total of 432 fulltime employees; 75 females and 357 males. Of those 75 females, there were 57 Caucasian, 9 Black/African American, 2 Hispanic/Latino and 7 American Indian/Alaskan Native. Of those 357 males, there were 231 Caucasian, 46 Black/African American, 2 Hispanic/Latino, 2 Asian, and 76 American Indian/Alaskan Native.

As of September 11, 2017 (FYE 2018), there are a total of 434 fulltime employees; 79 females and 355 males. Of those 79 females, there are 60 Caucasian, 9 Black/African American, 2 Hispanic/Latino and 8 American Indian/Alaskan Native. Of those 355 males, there are 247 Caucasian, 43 Black/African American, 3 Hispanic/Latino, 2 Asian and 60 American Indian/Alaskan Native American.

Although the City has increased recruiting mechanisms over the last few years to try and obtain minority applicants, there remains to be an overall shortage of minority

employees in some departments within the City. Beyond that, there is a continued lack of minority persons in professional, technician, male administrative support, and protective services positions with an underutilization for women, particularly in the skilled craft, service/maintenance and protective service positions. The City will continue to reach out to area colleges to try and obtain quality candidates for skilled positions, particularly in the professional and technical job categories.

The City of Muskogee Human Resources Department is committed to including diversity in recruitment strategies. Beginning in late 2016, these strategies included diverse images on the City website and social media pages, conducting an open house while inviting specific minority organizations, and continuing to engage with local civic groups and community-based organizations on outreach efforts. The City of Muskogee will continue to be committed to advertise certain specific job notices in minority newspapers and/or magazines, including the Oklahoma Eagle.

The City of Muskogee has been dedicated to a proactive approach to reach out to minority firefighter applicants. A committee was established which includes Chief Mike O'Dell, Councilmember Derrick Reed, Former Mayor Wren Stratton, Officer Veronica Kennedy, Assistant Fire Marshall Derrell Jones and the former Director of Bridges out of Poverty, Tom Martindale. The City's initial plan, which will be ongoing, was to formulate ideas to reach out to the minority community to find out what the setbacks are to applying and get them excited to become Muskogee Firefighters.

The City of Muskogee is committed to the hiring of minorities in law enforcement. A committee has been established which includes Officer Veronica Kennedy, Reverend Marlon Coleman, Reverend Rodger Cutler, Reverend Leroy Walker, Deputy Chief Cotton

and Perline Boyattia. This committee was established to formulate ideas to reach out to the minority community to find out what the setbacks are for obtaining diverse applicants and to get minorities excited to become Muskogee Police Officers. Currently, the recruitment-to-hire process for police officers is a necessarily in depth and lengthy process. Candidates must be scrutinized which includes a polygraph examination as recommended by our liability carrier, a physical assessments, state required mental acuity examinations, stability and temperament examinations. The City is committed to utilizing current female and minority police officers, as well as the Community Resource Officer program to conduct recruiting programs throughout the community in an effort to substantially increase our minority officers. Using these individuals at high visibility programs, such as Night Hoops and other events in the community and depicting females and minorities on department recruiting literature will increase our efforts in acquiring police officers in these categories.

A new Community Academy to benefit Hispanic residents has also been developed to connect and bring people together and help educate Muskogee's Hispanic Community and help them gain confidence in law enforcement and build trust within the community. Recruitment efforts will include attending career fairs at NSU, Military Connection Events and Indian Capital Vo-Tech, as well as distributing recruitment information at a recruiting booth inside both Wal-Mart and Lowes, utilizing LED advertising signs, posting videos on websites including FaceBook and YouTube, and distributing recruitment information at area sporting events and all area churches and community forums hosted by the CRO Program. Advertisements will be listed in the Muskogee Phoenix, the Tulsa World, the Oklahoman, the Oklahoma Eagle, and other area newspapers.

In addition, the City now has an internship program currently led by the Human Resources Director. Northeastern State University, Indian Capital Technology Center, Connors State College and Bacone College are participating schools in our internship Program. The internship program is a great recruitment tool to attract minority job applicants after completion of the internship program. After successful completion of the internship program, young professionals may be able to work with the City fulltime after graduation.

Finally, the City is committed to partnering with the Gospel Rescue Mission and Desire to Change to implement a pilot program for FY 2017 called "Getting to Work." Getting to Work is a program intended to help men and/or women with past felonies or experiencing poverty to gain employment and will help increase cultural diversity within the City.

The City of Muskogee will continue to monitor the utilization of women and minorities within the above specified job categories and continue to partake in recruiting methods to attract females and minorities to these positions.

The Charter, Merit and Civil Service Systems of the City of Muskogee provide ample protection against intentional discriminatory practices. Prior to the adoption of an affirmative action plan in 1975, there had not been a policy or rules established to encourage the active recruitment of minority persons as City employees. The Affirmative Action Plan filled that void and presented a good faith effort of the City to improve this situation.

IMPLEMENTATION:

1. The City of Muskogee will assure non-discriminatory recruiting of

employees by taking the following steps. Steps a, b, and c will be in practice as of the effective date of this Affirmative Action Plan.

a. Employment notices are sent to these following organizations (if allowed by particular organization), and postings are also included on social media:

Northeastern State University

Bacone College

Oklahoma Works

NAACP

Choctaw Nation

Local Ministers Alliance

Greater Muskogee Area Chamber of Commerce

b. Persons currently employed by the City of Muskogee are encouraged to refer qualified minority applicants for employment with the City.

c. All employment notices will specifically state the phrase "An Equal Opportunity Employer".

2. It is the policy and practice of the City that appointment of persons to employment with the City be made in accordance with the Muskogee City Charter, Merit and Civil Service Systems. The City Manager and all other personnel having the authority to hire employees shall be required to be familiar with this Affirmative Action Plan, to implement those provisions applicable to them and to comply with the spirit of the

plan in all matters of employment.

3. It is the adopted policy of the City of Muskogee that all employees will receive promotions in accordance with established rules and without regard to race, creed, color, gender, age, nationality, sexual orientation, genetic information, veteran, religion or handicap status.
4. It is the adopted policy of the City of Muskogee, in accordance with applicable laws, that the initial rate of pay, pay advancement and benefit programs for all employees shall be distributed and based on factors other than race, creed, color, gender, age, nationality, sexual orientation, genetic information, veteran, religion or handicap status. Like pay shall be given for like work.
5. All job descriptions, tests and testing procedures are reviewed and corrected should they contain any factors which are considered to be discriminatory to minorities and/or inconsistent with the policies of this Affirmative Action Plan.
6. It is the policy of the City to encourage and, in some cases, require employee training and development through attendance of educational courses, seminars and conferences offered by the City.
7. An Equal Employment Opportunity Policy Committee is established to review the Affirmative Action Plan of the City to provide assistance and advice regarding the Plan. For the period from July 1, 2016 to June 30, 2018, the following employees will serve on this Policy Committee:

Mike Miller	Mgmt	City Manager
Kelly Plunkett	Mgmt	Director of Human Resources
Emily Pippin	Non-Mgmt	Police Department
Stanley Perkins	Non-Mgmt.	Fire Department
Ron Mayes	Non-Mgmt.	Police Department
Gricelda Montoya	Non-Mgmt.	Police Department
Benita Hotema	Non-Mgmt.	Finance Department

8. On an annual basis, Department and Division Heads will be reviewed and evaluated by the Equal Employment Opportunity Officer and the City Manager on their progress and performance in implementing the Plan.
9. It is the policy of the Mayor and City Council that appointments to boards, commissions and committees will be made in the spirit and intent of this Affirmative Action Plan, and which will ultimately result in the adequate representation of minority groups.
10. Records pertinent to equal employment opportunity and to the evaluation of this Affirmative Action Plan will be kept by the Equal Employment Opportunity Officer. Department and Division Heads are trained in effective and non-discriminatory techniques relating to job interviews and employee selection. The Director of Human Resources (EEOC Officer) is required to determine that selection is based solely on

job-related factors. The Equal Employment Opportunity Officer will participate in employment interviews and evaluate questions asked of those interviewed during the initial hiring phases.

11. Major employers in the Muskogee area, as well as employment agencies, schools, local news media and minority and human relations organizations have been informed of the city's basic equal employment opportunity policy. Internally, the City's Affirmative Action Plan shall continue to be available in the Human Resources/Personnel Office.
12. Changes in employee status, particularly transfers and terminations, will be documented.
13. Any applicant for employment, or current employee within the City who believes he or she has encountered discrimination because of race, color, religion, gender, national origin, sexual orientation, genetic information, age, veteran or handicap status is encouraged to discuss the problem with the Equal Employment Opportunity Officer. Should the applicant not receive satisfaction through the Equal Employment Opportunity Officer, they may petition (without fear of reprisal) the established Advisory Committee, who is an impartial body, for the review of his or her case.
14. The Mayor of Muskogee has appointed an impartial body (EEO Advisory Committee) consisting of five members who will hear and decide upon complaints alleging discrimination of any individual who believes the decision of the City to not hire or promote said individual was based on a prohibited discriminatory reason. The following

employees will serve on this Advisory Committee:

Emily Pippin	Non-Mgmt	Police Department
Stanley Perkins	Non-Mgmt.	Fire Department
Ron Mayes	Non-Mgmt.	Police Department
Gricelda Montoya	Non-Mgmt.	Police Department
Benita Hotema	Non-Mgmt.	Finance Department

15. Such complaints will be processed as follows: An applicant, employee or former employee claiming discrimination will notify the Equal Employment Opportunity (EEO) Officer of his complaint and submit in writing within ten (10) days of the alleged discrimination. The EEO Officer and the City Manager will review the complaint and decide within ten (10) working days whether the alleged discrimination occurred and whether the discrimination violates the policy or intent of the Policy stated in this Affirmative Action Plan. Appropriate action will be taken if discrimination has occurred. Should the complainant not be satisfied with the decision rendered or with the corrective action, an appeal may be made to the impartial body appointed by the Mayor. The Equal Employment Opportunity Officer will transmit notice of the appeal to the impartial body, and a hearing will be held within ten (10) working days of receipt of this notice by the EEO Officer. The committee will make a decision as to whether they feel the applicant/employee was discriminated against in regards to hire or promotion, explain the findings to the City

Manager and make a recommended action to the City Manager for corrective action.

16. When an employee feels he/she was terminated due to discrimination, the remedy shall be sought through the normal grievance procedure applicable to their employee group.
17. It is the adopted policy of the City that all transactions by the City with businesses and vendors will be made without regard for race, creed, color, gender, national origin, religion, sexual orientation, genetic information, veteran, or handicap status. Every effort will be made to give minority vendors and businesses an equal opportunity to do business with the City.

DISSEMINATION

All employees, including new employees, shall acknowledge in writing, receipt of this policy, an acknowledgement that the employee understands the policy and an agreement that the employee will utilize the complaint procedures contained in this policy, if the need arises.

CITY:

Briefly and concisely, it is the stated intent of the City of Muskogee to select, employ, compensate, promote and discharge employees without regard to race, creed, color, gender, age, nationality, sexual orientation, genetic information, veteran, religion or handicap status. The shade of a person's skin or the ethnic ancestry identified by a person's name shall not, in any way, constitute a barrier to employment with the City of Muskogee. It is also the stated intent of the City that City services will be provided and City business transactions will be conducted in a non-discriminatory manner.

This policy is not intended to replace any rights afforded under any collective bargaining agreement or the Merit Rules of the City. In the case of any conflict between this policy and a collective bargaining agreement or the Merit Rules, the latter shall prevail.

THIS PLAN IS EFFECTIVE October 9, 2017, and will continue in full force and effect until rescinded by the Muskogee City Council.